


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-95-142-43
	}	CIVIL ACTION NO. H-03-3861
FEDERICO PEREZ, JR.,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Presently before the Court are Petitioner Federico Perez Jr.'s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 2502); the Government's response and motion to dismiss (Doc. 5240); Petitioner's reply (Doc. 5257); and the Magistrate Judge's Memorandum and Recommendation (Doc. 5585). After carefully considering the record and the applicable law, the Court concludes that Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 should be **DENIED** as time-barred and the Government's motion to dismiss should be **GRANTED**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas, this 27th day of September, 2006.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE

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UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-95-142-43
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FEDERICO PEREZ JR.,	}	
<i>Defendant-Petitioner</i>	}	

ORDER DISMISSING ACTION

After careful and independent consideration of the record in this case, the Court **ORDERS** that Petitioner Federico Perez Jr.'s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and his action **DISMISSED**.

SIGNED at Houston, Texas, this _____ day of September, 2006.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE